IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2738 OF 2005

IN

SUIT NO.1896 OF 1980

Bank of Maharashtra. ...Plaintiff.

vs.

1.M/s.Indian Commercial
Corporation & others. ...Defendants.

Mr.H.Toor i/b. Cr.Bayley & Co., for Plaintiff.

Ms.J.M.Sidhwa i/b. Kanga & Co., for Defendant no.1.

Mr.K.S.Jain, for Defendant no.2.

CORAM: D.K.DESHMUKH,J.

DATED: 21st April,2007

P.C.:-

1. Heard the learned Counsel appearing for plaintiff and defendant nos.1 and 2. Perused the affidavit filed in support of the notice of motion as also the affidavit filed on behalf of the defendant no.1. The fact that the concerned branch of the plaintiff's bank is situated at Dhamangaon, Amaravati and due to incessant rains and floods, the rail, bus and air services were disrupted in most of the territories of Maharashtra at the relevant time, is not disputed by anybody. The second aspect which is relevant, in my opinion, is that the plaintiff is a nationalised bank and the amount involved is public money. In my opinion, therefore, the suit of the plaintiff deserves to be restored. The notice of motion is therefore, granted in terms of prayer clause (a) and (b). Notice of motion is disposed of.